

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

BENJAMIN KARL SMITH,

Plaintiff,

v.

MR. HENSON, TERRI SEFALO,  
WARDEN FLETCHER, WARDEN  
FENDER, D. J. GODFREY, ASST.  
WARDEN POWELL, CHAPLIN  
DELELLA, and MR. MADRID,

Defendants.

CV-18-08-GF-BMM-JTJ

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

Plaintiff Benjamin Smith filed a Complaint alleging violations of his First, Eighth, and Fourteenth Amendment rights and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc et seq. (Doc. 2.) United States Magistrate Judge John Johnston issued an Order and Findings and Recommendations in this matter on January 26, 2018. (Doc. 4.)

Judge Johnston recommended that the Court dismiss Smith's claims against Defendants Terri Sefalo and Warden Fletcher. (Doc. 4 at 4.) Defendants Sefalo and Fletcher are employees of Montana State Prison. (Doc. 2 at 4, 7.) Smith's claims stem from his alleged inability to attend Jumah Services while incarcerated at Crossroads Correctional Center. (Doc. 2 at 8.)

No party has filed objections. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

# **I. ORDER**

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 4) is **ADOPTED IN FULL**. Defendants Fletcher and Sefalo are **DISMISSED**.

DATED this 13th day of March, 2018.



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Brian Morris  
United States District Court Judge